

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

STATE OF WASHINGTON; STATE OF  
ARIZONA; STATE OF ILLINOIS; and  
STATE OF OREGON,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity  
as President of the United States; U.S.  
DEPARTMENT OF HOMELAND  
SECURITY; BENJAMINE HUFFMAN, in  
his official capacity as Acting Secretary of  
Homeland Security; U.S. SOCIAL  
SECURITY ADMINISTRATION;  
MICHELLE KING, in her official capacity  
as Acting Commissioner of the Social  
Security Administration; U.S.  
DEPARTMENT OF STATE; MARCO  
RUBIO, in his official capacity as Secretary  
of State; U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;  
DOROTHY FINK, in her official capacity  
as Acting Secretary of Health and Human  
Services; U.S. DEPARTMENT OF  
JUSTICE; JAMES MCHENRY, in his  
official capacity as Acting Attorney  
General; U.S. DEPARTMENT OF  
AGRICULTURE; GARY WASHINGTON,  
in his official capacity as Acting Secretary  
of Agriculture; and the UNITED STATES  
OF AMERICA,

Defendants.

NO. 2:25-cv-00127

DECLARATION OF  
TOM K WONG

1 I, Tom K. Wong, declare as follows:

2 1. I am over the age of 18, competent to testify as to the matters herein, and make  
3 this declaration based on my personal knowledge. If called to testify as a witness, I could and  
4 would testify competently to the matters set forth below.

5 2. I am a tenured Associate Professor at the University of California, San Diego  
6 (UCSD). I work in the Political Science Department, which U.S. News & World Report  
7 consistently ranks as one of the top ten political science departments nationally. I first joined the  
8 Department at UCSD in 2012, and became an Associate Professor with tenure in 2016. At  
9 UCSD, I am the Director of the U.S. Immigration Policy Center (USIPC), which I founded in  
10 2018, and the Director of the Human Rights and Migration Studies Program Minor.

11 3. Prior to this, I served as an advisor to the White House Initiative on Asian  
12 Americans and Pacific Islanders (WHIAAPI), where I co-led on the immigration portfolio,  
13 during the 2015-2016 academic year. I received a Ph.D. in Political Science from the University  
14 of California, Riverside in 2011.

15 4. I am an expert on U.S. immigration policy. I have written two peer-reviewed  
16 books and dozens of peer-reviewed journal articles, book chapters, and reports on this subject.  
17 My most recent article represents one of the first randomized survey experiments done on a  
18 sample of undocumented immigrants that sheds light on how local cooperation with federal  
19 immigration enforcement officials affects the day-to-day behaviors of unauthorized immigrants.

20 5. In my work, I regularly estimate the size and the characteristics of the  
21 unauthorized immigrant population using U.S. Census American Community Survey (ACS)  
22 microdata. This work has been used in my academic publications, reports that I have written for  
23 think tanks, white papers written for Congressional offices, and in sworn testimony that I have  
24 given to the Senate Judiciary Committee on immigration-related matters. Substantively, this  
25 work involves comparing outcomes between U.S. citizens and those without legal status, which  
26 is the core of the analysis I present below.

1           6.       I have attached a true and complete copy of my curriculum vitae as **Exhibit A** to  
2 this Declaration, which includes a list of all of my publications over the past ten years.

3           7.       I have been retained by the State of Washington to analyze data related to possible  
4 impacts of denying birthright citizenship to certain children born in the United States. I share my  
5 opinions below of how the denial of birthright citizenship will impact children who are born  
6 non-citizens, the methodology and analysis I conducted to reach those opinions, and the data  
7 used to demonstrate differences across multiple social and economic indicators to compare  
8 outcomes for U.S. citizens versus non-citizens.

9           8.       I understand that the federal government has taken action to deny birthright  
10 citizenship to certain children born to undocumented parents. In my opinion, denying birthright  
11 citizenship to children born in the U.S., but who have undocumented parents, will create a  
12 permanent underclass of people whose societal and economic integration will be severely  
13 impaired throughout the course of their entire lifetimes. One way to evaluate this impact is to  
14 compare outcomes between U.S. citizens and those who live in the U.S. without legal status.  
15 Indeed, the status quo gives U.S. citizenship to children born in the U.S., but who have  
16 undocumented parents. Denying birthright citizenship to these children would make them  
17 unauthorized immigrants just like their parents.

18           9.       In the analysis below, I use the Warren (2014) method<sup>1</sup> to estimate likely  
19 unauthorized immigrants in the 2023 American Community Survey (ACS) microdata one-year  
20 file.<sup>2</sup> I then compare outcomes between U.S. citizens and those who live in the U.S. without legal  
21 status across a range of indicators of societal and economic integration. The data show clear  
22 patterns, wherein unauthorized immigrants do worse when compared to U.S. citizens across  
23 these indicators of societal and economic integration. This confirms the conclusion that denying  
24 birthright citizenship to children born in the U.S. to undocumented parents will create a

25                     <sup>1</sup> Warren, Robert. "Democratizing data about unauthorized residents in the United States: Estimates and  
26 public-use data, 2010 to 2013." *Journal on Migration and Human Security* 2, no. 4 (2014): 305-328.

<sup>2</sup> This represents the most recently available ACS microdata.

1 permanent underclass of people who are excluded from U.S. citizenship and are thus not able to  
 2 realize their full potential. Not only would this newly created underclass of people stand to lose,  
 3 but American society and the economy would also be harmed from their lack of societal and  
 4 economic integration.

5 **Indicators of Societal and Economic Integration**

6 10. Living in the U.S. without legal status means having to live with the constant fear  
 7 of deportation and the absence of work authorization. But living “in the shadows,” as  
 8 unauthorized immigrants do, affects societal and economic integration in numerous other ways.  
 9 One indicator of societal integration is whether a person is in school. Another indicator of  
 10 societal integration is educational attainment. These two indicators speak to human capital,  
 11 wherein more people who are in school and more educational attainment mean more human  
 12 capital accrues to society. Indicators of economic integration are whether a person is employed,  
 13 income, and poverty. These three indicators speak to economic contributions, wherein higher  
 14 employment, higher income, and lower poverty, mean higher economic contributions. I discuss  
 15 each indicator and differences between U.S. citizens and unauthorized immigrants below.

16 11. **School.** Regarding whether a person is in school, the data show clearly that U.S.  
 17 citizens are significantly more likely to be in school when compared to likely unauthorized  
 18 immigrants. For example, for U.S. citizens between the ages of eighteen and twenty-four, 48.2  
 19 percent are in school. For likely unauthorized immigrants between the ages of eighteen and  
 20 twenty-four, only 26.4 percent are in school. This 21.8 percent difference is highly statistically  
 21 significant. As Table 1 shows, not only are U.S. citizens significantly more likely to be in school  
 22 when compared to likely unauthorized immigrants, but this pattern holds across all age groups.  
 23  
 24  
 25  
 26

**Table 1**

<b>Age Group</b>	<b>% In School – U.S. Citizen</b>	<b>% In School – Likely Unauthorized Immigrant</b>	<b>Difference</b>
<b>18-24</b>	48.2%	26.4%	+21.8%
<b>25-34</b>	10.2%	4.6%	+5.6%
<b>35-44</b>	5.1%	2.3%	+2.8%
<b>45-54</b>	3.0%	1.6%	+1.4%
<b>55-64</b>	1.5%	1.0%	+0.5%
<b>65+</b>	0.7%	0.5%	+0.2%

12. **Educational Attainment.** In terms of educational attainment, I analyze differences between U.S. citizens and likely unauthorized immigrants when it comes to whether a person has a high-school diploma. The data show clearly that U.S. citizens are significantly more likely to have a high-school diploma when compared to likely unauthorized immigrants. For example, for U.S. citizens between the ages of eighteen and twenty-four, 77.5 percent have a high-school diploma. For likely unauthorized immigrants between the ages of eighteen and twenty-four, only 59.6 percent have a high-school diploma. This 17.9 percent difference is highly statistically significant. As Table 2 shows, not only are U.S. citizens significantly more likely to have a high-school diploma when compared to likely unauthorized immigrants, but this pattern also holds across all age groups. In fact, the gap between the percentage of U.S citizens who have a high-school diploma and the percentage of likely unauthorized immigrants who have a high-school diploma is widest at the sixty-five an older age group. More specifically, for U.S. citizens who are sixty-five or older, 73.7 percent have a high-school diploma. For likely

1 unauthorized immigrants who are sixty-five or older, only 29.7 percent have a high-school  
2 diploma. This 44.0 percent difference is highly statistically significant.

3  
4 **Table 2**

5 Age Group	6 % High-School Diploma – U.S. Citizen	7 % High-School Diploma – Likely Unauthorized Immigrant	8 Difference
9 18-24	77.5%	59.6%	+17.9%
10 25-34	81.3%	55.0%	+26.3%
11 35-44	76.5%	43.7%	+32.8%
12 45-54	75.6%	38.0%	+37.6%
13 55-64	75.8%	38.9%	+36.9%
14 65+	73.7%	29.7%	+44.0%

15  
16 13. **Employment.** When it comes to employment, employment rates are largely  
17 similar when comparing U.S. citizens to likely unauthorized immigrants. Table 3 shows  
18 employment rates for those who are in the labor force for U.S. citizens and likely unauthorized  
19 immigrants by age group.

**Table 3**

<b>Age Group</b>	<b>% Employed – U.S. Citizen</b>	<b>% Employed – Likely Unauthorized Immigrant</b>	<b>Difference</b>
<b>18-24</b>	91.1%	92.2%	-1.1%
<b>25-34</b>	95.7%	96.6%	-0.9%
<b>35-44</b>	96.5%	96.8%	-0.3%
<b>45-54</b>	97.0%	96.9%	+0.1%
<b>55-64</b>	97.3%	96.5%	+0.8%
<b>65+</b>	97.3%	96.6%	+0.7%

14. **Annual Total Income.** Despite similar employment rates, income varies significantly between U.S. citizens and likely unauthorized immigrants, which demonstrates the gap in earning potential for unauthorized workers. This makes vivid the “undocumented penalty” that comes with living in the U.S. without legal status. Regarding annual total income, the data show clearly that U.S. citizens earn significantly more annual total income when compared to likely unauthorized immigrants. For example, for U.S. citizens between the ages of eighteen and twenty-four, average annual total income is \$24,899.43. For likely unauthorized immigrants between the ages of eighteen and twenty-four, average annual total income is \$23,857.68. This \$1,041.75 difference is highly statistically significant. Despite annual total income being higher for likely unauthorized immigrants between the ages of twenty-five and thirty-four when compared to U.S. citizens between the ages of twenty-five and thirty-four, the income disadvantage for unauthorized immigrants grows and becomes more significant over time. For U.S. citizens between the ages of thirty-five and forty-four, average annual total income is \$69,623.08. For likely unauthorized immigrants between the ages of thirty-five and forty-four, average annual total income is \$63,236.55. This \$6,386.53 difference is highly statistically

significant. Between the ages of forty-five and fifty-four, the income disadvantage for unauthorized immigrants is at its widest. For U.S. citizens between the ages of forty-five and fifty-four, average annual total income is \$75,845.63. For likely unauthorized immigrants between the ages of forty-five and fifty-four, average annual total income is \$52,534.81. This \$23,310.82 difference is highly statistically significant. As Table 4 shows, the income disadvantage for unauthorized immigrants persists for the rest of their working lifetimes. Altogether, from the ages of eighteen to sixty-four, U.S. citizens will earn an estimated \$455,717.35 more in annual total income, which translates into a 19.5 percent difference, when compared to likely unauthorized immigrants.

**Table 4**

Age Group	Annual Total Income – U.S. Citizen	Annual Total Income – Likely Unauthorized Immigrant	Difference
18-24	\$24,899.43	\$23,857.68	+\$1,041.75
25-34	\$50,902.85	\$55,784.47	-\$4,881.62
35-44	\$69,623.08	\$63,236.55	+\$6,386.53
45-54	\$75,845.63	\$52,534.81	+\$23,310.82
55-64	\$65,276.56	\$45,249.78	+\$20,026.78
65+	\$48,638.26	\$29,591.35	+\$19,046.91

15. **Poverty.** Lastly, the data show clearly that poverty is more pronounced among likely unauthorized immigrants when compared to U.S. citizens. For example, whereas 15.6 percent of U.S. citizens between the ages of eighteen and twenty-four live at or below the federal poverty line, the commensurate percentage for likely unauthorized immigrants between the ages



of eighteen and twenty-four is 18.0 percent. This 2.4 percent difference is highly statistically significant. As Table 5 shows, the poverty disadvantage for unauthorized immigrants persists across all age groups except for likely unauthorized immigrants between the ages of fifty-five and sixty-four. As Table 5 also shows, the poverty disadvantage for unauthorized immigrants is widest for unauthorized immigrants sixty-five years and older. Whereas 10.4 percent of U.S. citizens sixty-five years and older live at or below the federal poverty line, the commensurate percentage for likely unauthorized immigrants sixty-five years and older is 15.9 percent. This 5.4 percent difference is highly statistically significant.

**Table 5**

<b>Age Group</b>	<b>% Poverty – U.S. Citizen</b>	<b>% Poverty – Likely Unauthorized Immigrant</b>	<b>Difference</b>
<b>18-24</b>	15.6%	18.0%	-2.4%
<b>25-34</b>	8.5%	9.9%	-1.4%
<b>35-44</b>	8.1%	10.5%	-2.4%
<b>45-54</b>	7.3%	8.2%	-0.9%
<b>55-64</b>	9.5%	7.7%	+1.8%
<b>65+</b>	10.4%	15.9%	-5.5%

1 I declare under penalty of perjury under the laws of the State of Washington and the  
2 United States of America that the foregoing is true and correct.

3 DATED and SIGNED this 21st day of January 2025, at San Diego, California.

4 

5  
6 DR. TOM K. WONG